

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FILED
CLERK'S OFFICE
MAR 17 P 3:00

FREDERIC LEPPER

Petitioner,

v.

LOIS RUSSO,

Respondent.

Civil Action No. 04-11879-MLW

**MOTION TO ENLARGE THE TIME
FOR FILING A RESPONSIVE PLEADING**

The respondent, Lois Russo, Superintendent of Souza-Baronowski Correctional Center at Shirley, Massachusetts, through counsel, respectfully moves this Court to enlarge the time in which to file an answer or other responsive pleading to the above-captioned petition for writ of habeas corpus to May 20, 2005.

As grounds therefor, the respondents's attorney states that she must locate the files from the petitioner's state court trial and appeal; arrange for duplication of the documents including trial transcripts; research relevant issues and draft an appropriate response to the petition.

In addition, the respondent's attorney is responsible for numerous post-conviction cases which include more than thirty-five federal habeas corpus petitions as well as direct criminal appeals, new trial motions, civil rights litigation and parole and probation matters. The undersigned attorney's litigation responsibilities in the next several weeks include: researching and drafting an brief in the Massachusetts Appeals Court in a criminal appeal, *Commonwealth v. Senildo Berroa*, Massachusetts Appeals Court No. 2004-

P-1758; researching and drafting dispositive memoranda of law on the merits in four complex federal habeas corpus petitions: *Smith v. Ficco*, USDC C.A. No.02-40092-FDS; *Desrosier v. Bissonnette*, USDC C.A. No. 03-40194-FDS; *Williams v. Bissonnette*, USDC C.A.No. 03-40200-FDS; and *Pina v. Maloney*, USDC 02-12441-MEL; filing answers and supplemental answers in three federal habeas petitions, *Pelletier v. Russo*, USDC C.A.No. 05-30014-MAP; *Ali v. Reilly*, USDC 04-30005-KPN; and the instant case; and researching, drafting and filing an opposition to motion for evidentiary hearing and discovery in *Delgado v. Dennehy*, USDC C.A. No. 04-30124-MAP .

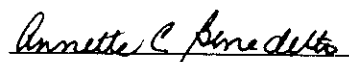
There are also many responsibilities that must be undertaken in connection with other active cases including filing dispositive motions and supporting memoranda; contacting counsel and officials in corrections, district attorneys' and clerks' offices in connection with pending cases; gathering and reviewing files, records, briefs and other documents; evaluating asserted claims, and researching and drafting possible defenses.

Moreover, the petitioner's counsel does not object to this Motion.

WHEREFOR, the respondent respectfully moves this Court to enlarge the time for filing an answer or other responsive pleading in the above-captioned petition to May 20, 2005.

Respectfully submitted,

THOMAS F. REILLY
ATTORNEY GENERAL


Annette C. Benedetto
Assistant Attorney General
Criminal Bureau
One Ashburton Place

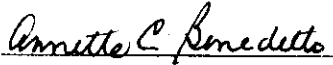
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Boston, Massachusetts 02108
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CERTIFICATE OF SERVICE

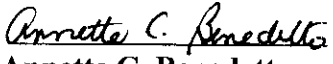
I hereby certify that a true copy of the above document was served upon the petitioner's counsel, by first class mail, postage pre-paid, on March 16, 2005 addressed as follows:

Alan Campbell
P.O. Box 131
Brookline, MA 02446


Annette C. Benedetto
Assistant Attorney General

CERTIFICATE OF CONSULTATION

Pursuant to Local Rule 7.1 (A) (2) , the respondent's attorney certifies that she consulted with the petitioner's counsel regarding the motion to enlarge and he did not object to the extension.


Annette C. Benedetto
Assistant Attorney General